

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-6, 9-12, and 15-17 are pending in this application. Claims 1-4 are amended and are independent. Claims 7, 8, 13 and 14 have been canceled without prejudice to or disclaimer of the subject matter contained therein.

In the Advisory Action dated November 7, 2003, the Examiner states that the proposed amendments will not be entered and that the final rejection stands because the proposed amendments raise the issue of new matter. The Examiner specifically points to the limitation of "a last selected menu... displayed in a last color that is different from colors in which any other menus or menu levels are displayed" in claim 1 as not being previously presented. Applicants respectfully disagree with this contention. The above-cited limitation is clearly supported, for example, in FIG. 6 of the drawings, which shows that the last selected menu TV 07 is displayed in a color that is different from colors in which any other menus or menu levels are displayed. It is respectfully submitted that no new matter is introduced by the proposed amendments. Accordingly, reconsideration of the application, as amended, is respectfully requested.

**Priority Under 35 U.S.C. §119**

Applicants request that the Examiner acknowledge their claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document filed with the present application on March 23, 2000.

**Drawings**

The Examiner is requested to provide a Notice of Draftsperson's Patent Drawing Review, Form PTO-948, indicating whether the formal drawings are approved by the Official Draftsperson, with the next official communication.

**Rejection Under 35 U.S.C. §112, 1<sup>st</sup> paragraph**

Claims 1, 3 and 4 are rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph, for failing to comply with the written description requirement. Claims 1, 3 and 4 have been amended to comply with the requirements of 35 U.S.C. §112, 1<sup>st</sup> paragraph. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, 1<sup>st</sup> paragraph, is respectfully requested.

**Rejections Under 35 U.S.C. §102(b)/§103(a)**

Claims 2 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 04-246720 to Tsugo et al. Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. §103(a) as being anticipated by Tsugo et al. in view of U.S. Patent No. 5,425,140 to Bloomfield et al. Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tsugo et al. in view of U.S. Patent No. 6,154,750 to

Roberge et al. Claims 11 and 12 are rejected as being unpatentable over Tsugo et al. in view of Bloomfield et al., and further in view of Roberge et al. Claim 15 is rejected as being unpatentable over Tsugo et al. in view of U.S. Patent No. 5,835,094 to Ermel et al. Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsugo et al. in view of Bloomfield et al., and further in view of Ermel et al. These rejections are respectfully traversed.

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the instant application, independent claim 1 is amended to recite a combination of elements in a method for displaying a menu screen on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, each of which are displayed in a first color, wherein selecting a menu from the plurality of menus causes a corresponding lower menu level to be generated, and the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color, and wherein a last selected menu is displayed in a last color that is different from colors in which any other menus or menu levels are displayed on the menu screen.

Independent claim 2 is amended to recite a combination of elements in a method for displaying a menu screen on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, each of which are displayed in the same manner, wherein selecting a menu from the plurality of

menus causes a corresponding lower menu level to be generated, and the selected menu and corresponding lower menu level to be displayed on the menu screen in a second manner that is different from the first manner.

Independent claim 3 is amended to recite a combination of elements in a method for displaying a menu screen on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, wherein selecting a menu from the plurality of menus causes a corresponding lower menu level to be generated, and the selected menu and the corresponding lower menu level to be displayed differently from the other menus and menu levels on the menu screen, and wherein a last selected menu is displayed in a last color that is different from colors in which any other menus or menu levels are displayed on the menu screen.

Independent claim 4 is amended to recite a combination of elements in a method for displaying a menu screen on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, wherein selecting a menu from the plurality of menus generates a corresponding lower menu level, and the selected menu and the corresponding lower menu level to be differently from the other menus and menu levels on the menu screen, and wherein a last selected menu is displayed in a last color that is different from colors in which intermediate menus or menu levels are displayed on the menu screen.

In contrast to Applicant's claimed invention, Tsugo et al. shows a hierarchical menu system stored in a menu file 2 and having an identification code for identifying a level I, II, or III to which an element menu belongs, as shown in FIGS. 1 and 2. A color pattern of a frame representing each menu level is stored in a menu frame pattern file 3, where each level is of a different color. As shown, red is for level 1, green is for level 2, and yellow is for level 3. Since each menu level in Tsugo et al. is of a different color, selecting any menu does not generate a corresponding lower menu level having the same color as the selected menu. Tsugo et al. does not teach or suggest a "menu screen comprising a menu level having a plurality of menus, each of which are displayed in a first color, wherein selecting a menu from the plurality of menus causes a corresponding lower menu level to be generated, and the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color, and wherein a last selected menu is displayed in a last color that is different from colors in which any other menus or menu levels are displayed on the menu screen," as recited in claim 1.

Tsugo et al. does not teach or suggest a "menu screen comprising a menu level having a plurality of menus, each of which are displayed in the same manner, wherein selecting a menu from the plurality of menus causes a corresponding lower menu level to be generated, and the selected menu and

corresponding lower menu level to be displayed on the menu screen in a second manner that is different from the first manner,” as recited in claim 2.

Tsugo et al. does not teach or suggest a “menu screen comprising a menu level having a plurality of menus, wherein selecting a menu from the plurality of menus causes a corresponding lower menu level to be generated, and the selected menu and the corresponding lower menu level to be displayed differently from the other menus and menu levels on the menu screen, and wherein a last selected menu is displayed in a last color that is different from colors in which any other menus or menu levels are displayed on the menu screen,” as recited in claim 3.

Tsugo et al. does not teach or suggest a “menu screen comprising a menu level having a plurality of menus, wherein selecting a menu from the plurality of menus generates a corresponding lower menu level, and the selected menu and the corresponding lower menu level to be differently from the other menus and menu levels on the menu screen, and wherein a last selected menu is displayed in a last color that is different from colors in which intermediate menus or menu levels are displayed on the menu screen,” as recited in claim 4.

The Office Action relies on Bloomfield et al. for a teaching of setting the uppermost menu and the last menu with the same color. However, Bloomfield et al. does not teach or suggest the above-cited limitations of claims 1, 3 and 4,

and therefore does not cure the deficiencies of Tsugo et al. with respect to these claims.

In rejecting claims 6, 11 and 12, the Office Action relies on Roberge et al. for a teaching of displaying menus and menu levels using different shadings, where a selected menu and corresponding menu level are displayed using a shading that is different from the other menus and menu levels. Applicants respectfully traverse this interpretation. Roberge et al. shows several views of a navigation structure on a computer screen in which selecting a menu causes the selected menu to become shaded and causes a corresponding lower menu level to be generated, as shown in Figs. 7-11, for example. However, the selected menu and corresponding lower menu level are not shaded in the same manner or distinguished from other menus and menu levels on the screen. Roberge et al. does not teach or suggest the above-cited limitations of claims 2, 3 or 4. Therefore, Roberge et al. does not cure the deficiencies of Tsugo et al. with respect to claim 2, as incorporated in claim 6. Moreover, Roberge et al. does not cure the deficiencies of Tsugo et al. or Bloomfield et al. with respect to claims 3 and 4, as incorporated in claims 11 and 12, respectively.

In rejecting claims 15-17, the Office Action relies on Ermel et al. for a teaching of blocks that are displayed three-dimensionally so as to show their height. However, Ermel et al. does not teach or suggest the above-cited

limitations of claims 2-4 and, therefore, cure the deficiencies of Tsugo et al. or Bloomfield et al. with respect to claims 2-4.

It is respectfully submitted that the combinations of elements set forth in amended independent claims 1-4 are not anticipated or made obvious by the prior art of record, including Tsugo et al., Bloomfield et al., Roberge et al., and Ermel et al., and that independent claims 1-4, and the claims dependent therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are, therefore, respectfully requested.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider the outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the Office Action, and that the present application is in condition for allowance.

If any issues remain, however, the Examiner is invited to telephone Sam Bhattacharya, Reg. No. 48,107, at (703) 205-8000 in an effort to expedite prosecution.

Applicant respectfully petitions under the provisions of 37 C.F.R. 1.136(a) and 1.17 for a two-month extension of time in which to respond to the



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Examiner's Office Action. An Extension of one month was previously requested and paid for on October 20, 2003 in the instant application. Thus, a fee of \$310.00 is attached hereto for an additional one-month extension of time.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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